

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2000-00748-1

DATE OF DETERMINATION: April 27, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** August 16, 2000 and
(Y/N) September 23, 2004

PROJECT LOCATION INFORMATION:

State: New York
County: Delaware, Ulster
Center coordinates of site by latitude & longitude coordinates: lat:42-6-26.7840 lon:74-26-55.6800
Approximate size of site/property (including uplands) in acres 1,495
Name of waterway or watershed: Birch Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		2.71							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Oeocur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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APPLICATION NO. 2000-00748-1

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 1.495

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO

Total acres of jurisdictional waters on site: 21.47

Position of jurisdictional waters in landscape and watershed:

Associated with hillside streams and seeps

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Mostly undeveloped, second growth forest

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (AL)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 1.79

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Associated with hillside seep, located approximately 500 feet from nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #s 2 (AO) and 3 (AP)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.11

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Associated with hillside seeps, located approximately 400 feet from nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #s 4 (CA) and 5 (CB/CC)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.59

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Associated with hillside seeps, located approximately 250 feet from nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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Isolated, intra-state water #s 6 (A) and 7 (B/C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.22

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Associated with hillside seeps, located approximately 1,100 feet from nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2002-00562

DATE OF DETERMINATION: April 21, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site (Y/N) Y **Date:** May 2, 2002, June 10, 2003, May 28, 2004

PROJECT LOCATION INFORMATION:

State: New York
County: Albany
Center coordinates of site by latitude & longitude coordinates: lat:42-43-23.0520 lon:73-51-19.6920
Approximate size of site/property (including uplands) in acres: 12.99
Name of waterway or watershed: Patroon Creek, Hudson River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.09								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Ocur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

CENAN-OP-R
APPLICATION NO. 2002-00562

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 12.99

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Total acres of jurisdictional waters on site: 3.8

Position of jurisdictional waters in landscape and watershed: Upper reach of Patroon Creek watershed. Surrounded by development on fill.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Adjacent lands developed with industry/warehouse/commercial. Suburban area.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1E

Acres of this NJD aquatic resource within property: 0.09

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

A small depressional wetland located approximately 65 feet away from other 3.8-acre wetland on site. Separated by forested upland. Southern boundary is toe of slope of fill for an existing warehouse.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two: _____

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2002-01009

DATE OF DETERMINATION: April 13, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** June 25, 2003
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-26-45.0600 lon:74-4-46.2360

Approximate size of site/property (including uplands) in acres 169.35

Name of waterway or watershed: Unnamed Tributary to Moodna Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake	0.08								
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.91								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (c.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2002-01009

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 169.35

The jurisdictional waters on site consist of (check as many as are appropriate):

X Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO, PEM

Total acres of jurisdictional waters on site: 50.08

Position of jurisdictional waters in landscape and watershed:

Associated with stream courses.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Formerly farmed, currently partially developed.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO, PEM

Acres of this NJD aquatic resource within property: 0.91

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approximately 100 feet from nearest waters of U.S., separated by an upland ridge.

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (E)

The NJD aquatic resources on site consist of (check as many as are appropriate):

X Pond Lake Stream Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification:

Acres of this NJD aquatic resource within property: 0.08

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Approximately 300 feet from and 36 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2003-00244

DATE OF DETERMINATION: April 13, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**

At the project site Y **Date:** December 7, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Dutchess

Center coordinates of site by latitude & longitude coordinates: lat:41-48-29.9880 lon:73-48-54.0000

Approximate size of site/property (including uplands) in acres 34.23

Name of waterway or watershed: Unnamed Tributary to Great Spring Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.37								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-00244

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 34.23

The jurisdictional waters on site consist of (check as many as are appropriate):

X Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PSS, PEM

Total acres of jurisdictional waters on site: 2.04

Position of jurisdictional waters in landscape and watershed:

Wetlands located at foot of hill

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located next to Malone Road, approximately 300 feet from and 18 feet higher in elevation than nearest waters of U.S.

The aquatic resource is X is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.36

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland located approximately 200 feet from and 16 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2003-00711

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**

At the project site Y **Date:** August 20, 2003
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-31-59.0880 lon:74-12-58.7880

Approximate size of site/property (including uplands) in acres 72.552

Name of waterway or watershed: Wallkill River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.70								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type) Excavated farm pond	0.05								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-00711

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 72.552

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM, PFO

Total acres of jurisdictional waters on site: 12.87

Position of jurisdictional waters in landscape and watershed:

Associated with intermittent and perennial stream channels.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☒ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.75

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Old excavated farm pond with surrounding forested wetlands, approximately 700 feet from nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2004-00716

DATE OF DETERMINATION: April 28, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** August 2, and October
(Y/N) (Y/N) 30, 2004

PROJECT LOCATION INFORMATION:

State: New York
County: Schenectady
Center coordinates of site by latitude & longitude coordinates: lat:42-47-8.9880 Lon:73-51-55.0080
Approximate size of site/property (including uplands) in acres 1.9
Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.29								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (c.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00716

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 1.98

The jurisdictional waters on site consist of (check as many as are appropriate):

 Pond Lake Stream Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification:

Total acres of jurisdictional waters on site: 0

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

2. Rationale Used To Determine NJD:

Isolated, intra-state water # (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Nearest waters of the United States is approximately 200 feet to the east of the site and is an unnamed tributary to the Lisha Kill.

The aquatic resource is X is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel
 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.23

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Nearest waters of the United States is approximately 200 feet to the east of the site and is an unnamed tributary to the Lisha Kill.

Wetlands adjacent to the tributary are forested riparian wetland.

The aquatic resource is X is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel
 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2004-00722

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**

At the project site Y **Date:** July 28, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-20-30.5160 lon:74-20-14.6040

Approximate size of site/property (including uplands) in acres 138.43

Name of waterway or watershed: Browns Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				6.46					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00722

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 138.43

The jurisdictional waters on site consist of (check as many as are appropriate):

X Pond Lake X Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 9.11

Position of jurisdictional waters in landscape and watershed:

Associated with Browns Creek.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (A)

The NJD aquatic resources on site consist of (check as many as are appropriate):

 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 6.46

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Area appears to have been mined, due to steep, exposed slopes. Wetland at least 500 feet from and 30 feet higher in elevation than nearest waters of United States.

The aquatic resource is X is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

 underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2004-00782

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** September 15, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-31-43.2120 lon:74-24-44.1000

Approximate size of site/property (including uplands) in acres 62.3117

Name of waterway or watershed: Unnamed Tributary to Shawangunk Kill

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.31								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00782

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 62.3117

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM, PFO

Total acres of jurisdictional waters on site: 17.1225

Position of jurisdictional waters in landscape and watershed:

Wetlands located in low-lying areas of site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.31

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetland impounded behind rock wall, approximately 100 feet from and 4 feet higher in elevation than nearest waters of U.S.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2004-00853

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**

At the project site Y **Date:** September 15, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-27-51.5880 lon:74-14-41.9640

Approximate size of site/property (including uplands) in acres 15.8625

Name of waterway or watershed: Beaverdam Brook

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.42								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00853

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 15.8625

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 2.79

Position of jurisdictional waters in landscape and watershed:

Associated with drainage patterns

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm, partially mined

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (B)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.36

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located on hillside, approximately 150 feet from and 16 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #s 2 (C) and 3 (D)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): ☐

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.06

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Located in previously mined area, approximately 250 feet from and 10 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2005-00164

DATE OF DETERMINATION: April 4, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** March 17, 2005
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Clinton

Center coordinates of site by latitude & longitude coordinates: lat:45-0-27.3600 lon:73-27-8.9640

Approximate size of site/property (including uplands) in acres 27.47

Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Fcet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			4.84						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2005-00164

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 27.47

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☐ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: _____

Total acres of jurisdictional waters on site: 0.

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Formally used as agricultural fields, appears to have been used as a possible borrow site for the installation of Interstate 87, many years ago.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM/PSS

Acres of this NJD aquatic resource within property: 2.93

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 100 feet from a ditch which flows into a jurisdictional water of the United States. Historic topo maps from 1907, 1943, and 1956, show no water of the United States in the project area. The Clinton County Soil Survey indicates that two mapped soils within Wetland 1:

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 2 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM/PSS

Acres of this NJD aquatic resource within property: 0.12

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 450 feet from a ditch which flows into a jurisdictional water of the United States.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 3 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM/PSS

Acres of this NJD aquatic resource within property: 1.71

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 500 feet from a ditch which flows into a jurisdictional water of the United States.

The aquatic resource X is ☐ is not located completely within the project site.

CENAN-OP-R
APPLICATION NO. 2005-00164

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 4 (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM/PSS

Acres of this NJD aquatic resource within property: 0.08

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Depressional wetland that collects drainage from surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 750 feet from a ditch which flows into a jurisdictional water of the United States.

The aquatic resource ☒ is ☐ is not located completely within the project site.

The aquatic resource ☐ is ☒ is not connected to waters of the U.S. by ☐ a surface channel
☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is ☒ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District

FILE NUMBER: 2005-00200

DATE OF DETERMINATION: April 19, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
At the project site Y **Date:** August 29, 2001
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York

County: Orange

Center coordinates of site by latitude & longitude coordinates: lat:41-23-19.6080 lon:74-19-50.1240

Approximate size of site/property (including uplands) in acres 131

Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.4								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2005-00200

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 131

The jurisdictional waters on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☒ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO

Total acres of jurisdictional waters on site: 47.21

Position of jurisdictional waters in landscape and watershed:

Wetland at base of hill, associated with tributaries to Wallkill River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

☐ Pond ☐ Lake ☐ Stream ☒ Wetlands* ☐ Tidal Waters ☐ Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.4

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Associated with hillside seep, approximately 50 feet from and 3 feet higher in elevation than nearest waters of US.

The aquatic resource X is ☐ is not located completely within the project site.

The aquatic resource ☐ is X is not connected to waters of the U.S. by ☐ a surface channel

☐ underground culvert ☐ other means (identify) by which water could flow between the two:

The aquatic resource ☐ is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.